

Message Text

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H-01 INR-10 L-03 NSAE-00 PA-01 SP-02 SS-15
NSCE-00 SSO-00 USIE-00 INRE-00 AF-10 ARA-10 EA-10
EUR-12 NEA-10 EB-08 COME-00 OMB-01 NRC-05 DOE-11
SOE-02 DOEE-00 ACDA-12 AID-05 OIC-02 /155 W
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C O N F I D E N T I A L SECTION 01 OF 03 GENEVA 02609

E.O. 11652: GDS
TAGS: UNHRC, SHUM
SUBJECT: 34TH HUMAN RIGHTS COMMISSION: USDEL VIEWS ON
SOUTHERN AFRICAN ISSUES, IMPLEMENTATION OF APARTHEID
CONVENTION, WORLD CONFERENCE TO COMBAT RACISM AND
INTERNATIONAL ANTI-APARTHEID YEAR

REF: 1. GENEVA 2563, 2. STATE 41014

1. USDEL TRANSMITS HERewith ITS ANALYSIS AND RECOMMENDA-
TIONS FOR VOTING INSTRUCTIONS ON TEXTS OF RESOLUTIONS
SENT REFTEL.

2. AGENDA ITEM 6. DRAFT RESOLUTION L.1380 DEALS WITH
GENERALLY ACCEPTABLE WORKING GROUP REPORT ON HUMAN
RIGHTS VIOLATIONS IN SOUTHERN AFRICA. USDEL NOTES THAT
SECOND PREAMBULAR PARA SUPPORTS 1978 INTERNATIONAL ANTI-
APARTHEID YEAR AND 1978 WORLD CONFERENCE ON RACISM AS
CONTRIBUTING TO AIMS OF THE ANTI-APARTHEID CONVENTION.
DEPT WILL RECALL THAT ANTI-APARTHEID YEAR WAS A U.S.
INITIATIVE ACCEPTED BY LAST YEAR'S HRC. OPERATIVE PARA
3 PROTESTING INHUMAN TREATMENT OF "FREEDOM FIGHTERS"
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JOINTLY REFERS TO "THE RACIST REGIME IN SOUTH AFRICA"
AS WELL AS THE ZIMBABWE "ILLEGAL AND MINORITY REGIME."
WHILE WE COULD TAKE ISSUE WITH THE CHARACTERIZATION OF
THE SOUTH AFRICAN GOVERNMENT AS A "REGIME," WE RISK
BEING PERCEIVED AS INTENDING TO TAKE ISSUE WITH THE LABEL
OF "RACIST." USDEL RECOMMENDS AGAINST PUBLIC STATEMENT
ON THIS POINT. MAJOR PROBLEMS IN RESOLUTION ARE IN

OPERATIVE PARAS 6 AND ESPECIALLY 7 AND 8. PARA 6 GOES BEYOND WORKING GROUP REPORT WHICH ONLY ALLEGES PERSONS LISTED IN REPORT AS GUILTY OF CRIME OF APARTHEID BY STATING THEM TO HAVE BEEN GUILTY. PARA 7 PROPOSES ACTUAL FOLLOW-UP ACTION ON TRANSMITTAL OF LIST OF PERSONS IN REPORT. PARA 8 UNFORTUNATELY HAS TANDEM ENDORSEMENT OF HAVANA 1976 SEMINAR, WHICH WAS NOT A UN ACTIVITY, ALONG WITH LAGOS CONFERENCE WHICH WAS. USDEL RECOMMENDATION: WE BELIEVE WE SHOULD ABSTAIN AND EXPLAIN BRIEFLY THAT, WHILE THE U.S. STRONGLY SYMPATHETIC TO RESOLUTION'S CONDEMNATION OF ILL TREATMENT OF PRISONERS, WE COULD NOT SUPPORT LANGUAGE OF PARAS 6 AND 7 BECAUSE U.S. IS NOT A PARTY TO THE ANTI-APARTHEID CONVENTION. WITH REGARD TO PARA 8, WE WOULD STATE THAT THE U.S. DID NOT PARTICIPATE IN THE HAVANA SEMINAR AND DOES NOT AGREE WITH THE SEMINAR'S ACTION PROGRAM BUT THAT OUR POSITION SUPPORTIVE OF LAGOS CONFERENCE IS WELL KNOWN. WE SEE NO REASON TO COMMENT ON OPERATIVE PARA 9.

3. AGENDA ITEM 6 ALSO INCLUDES A VOTE ON DRAFT RESOLUTION L.1378 CONCERNING UN LAUNCHING OF ANTI-APARTHEID YEAR IN 1978, A U.S. INITIATIVE AT LAST YEAR'S HRC. NEITHER WE NOR OTHERS IN THE WEO GROUP SEE ANY PROBLEMS IN THIS RESOLUTION. CONSENSUS ADOPTION IS A STRONG POSSIBILITY. USDEL RECOMMENDATION: U.S. SHOULD SUPPORT AND IF CIRCUMSTANCES MAKE STATEMENT APPROPRIATE, CONFIDENTIAL

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EXPRESS OUR PLEASURE THAT HRC IS MOVING FORWARD WITH AN ACTIVITY STRONGLY ENDORSED AT THE 33RD HRC.

4. AGENDA ITEM 7 ENTAILS VOTE ON DRAFT RESOLUTION L.1375. DEPT MAY WISH TO CHECK U.S. POSITION ON PAST ECOSOC AND UNGA RESOLUTIONS CITED IN FIRST PREAMBULAR PARA. OVERALL THRUST OF RESOLUTION IS, OF COURSE, TO CONTINUE THE ACTIVITY OF REPORTING ON KEY WESTERN NATIONS' COMMERCIAL-ECONOMIC-NUCLEAR RELATIONS WITH SOUTH AFRICA. OPERATIVE PARA 5 SHARPENS THRUST BY URGING EARLY SUBMISSION OF LIST OF COUNTRIES PROVIDING "ASSISTANCE" TO SOUTH AFRICA. USDEL RECOMMENDATION: U.S. SHOULD ABSTAIN. IF EXPLANATION OF VOTE IS NECESSARY AND APPROPRIATE, WE WOULD BRIEFLY REFER TO U.S. POSITION ON ITS RELATIONS WITH SOUTH AFRICA AS HAVING BEEN STATED IN OUR FEBRUARY 17 STATEMENT (TEXT OF OUR STATEMENT SENT IN GENEVA 2546.)

5. DRAFT RESOLUTION L.1379 MAKES HRC RECOMMENDATIONS ON IMPLEMENTATION OF ANTI-APARTHEID CONVENTION. IN ADDITION TO OVERALL THRUST OF CALLING FOR FOLLOW-UP ACTIONS, WE NOTE OPERATIVE PARA 7 CALLS FOR REPORTS ON

ALL TERRITORIES "TO WHICH (UNGA) RESOLUTION 1514 (XV)
OF 14 DECEMBER 1960 APPLIES." DEPT REQUESTED TO
DETERMINE IF THIS MIGHT BE DIRECTLY APPLICABLE TO ANY
AREAS UNDER U.S. ADMINISTRATION AND IF SO, ANY
IMMEDIATE PRACTICAL IMPLICATIONS FOR U.S. OPERATIVE PARA
6 AGAIN CALLS FOR SPECIFIC REPORTING ON THOSE PERSONS
AND OTHER ENTITIES ALLEGED GUILTY OF THE CRIME OF
APARTHEID. USDEL RECOMMENDATION: WE BELIEVE WE SHOULD
ABSTAIN AND MAKE BRIEF STATEMENT AS APPROPRIATE WHICH
WOULD RECORD THAT THE U.S. DOES NOT SUPPORT THIS
CONVENTION. WE WOULD NOTE FOR RECORD THAT U.S. CANNOT
ENDORSE THE CONVENTION BECAUSE OF CERTAIN LEGAL CONSIDERA-

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NSCE-00 SSO-00 USIE-00 INRE-00 AF-10 ARA-10 EA-10
EUR-12 NEA-10 EB-08 COME-00 OMB-01 NRC-05 DOE-11
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TIONS, PARTICULARLY THE EXTENSION OF JURISDICTION IN THE
ABSENCE OF SIGNIFICANT CONTACTS BETWEEN THE OFFENSES
OR OFFENDERS AND THE PROSECUTING FOREIGN STATE (AS
PROVIDED IN PARA TWO REFTEL 2).

6. AGENDA ITEM 18B CONCERNS THE WORLD CONFERENCE TO
COMBAT RACISM. DRAFT RESOLUTION L.1376 LISTS A BROAD
RANGE OF ACTIVITIES. THIS RESOLUTION WAS DEVELOPED BY
THE AUSTRALIANS AND NIGERIANS. SIGNIFICANT BY ITS
ABSENCE IS REFERENCE TO RESOLUTION 3379 EQUATING
ZIONISM WITH RACISM. OUR UNDERSTANDING IS THAT THE ARABS
HAVE TACITLY ACCEPTED THIS OMISSION. WITH REGARD TO
SPECIFIC RECOMMENDATIONS FOR ACTIVITIES TO BE CONSIDERED
UNDER OPERATIVE PARA 4, WE NOTE SUB-PARA (D) CONCERNING
USE OF "AVAILABLE INFORMATION MEDIA." AUSTRALIAN DELOFF
TOLD US THIS INTENTIONALLY WORDED TO PROVIDE CONSIDERABLE

LATITUDE FOR STATES WHICH HAVE FEW OR NO MASS MEDIA UNDER STATE CONTROL. MORE SERIOUS IS SUB-PARA (F) IN THE LIST WHICH, IN ADDITION TO CALLING FOR "ASSISTANCE" (UNSPECIFIED) TO THE LIBERATION MOVEMENTS, PROPOSES "GREATER PRESSURE" ON GOVERNMENTS AND MULTINATIONAL CORPORATIONS CONSIDERED TO BE COOPERATING WITH THE SOUTH
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AFRICAN GOVERNMENT. SUB-PARA (G) OF COURSE IMPLICITLY SUGGESTS CHAPTER VII SANCTIONS. HOWEVER, U.S. POSITION IS NOT FINAL ON QUESTION OF PARTICIPATION IN THE WORLD CONFERENCE ON RACISM. MOREOVER, THE VARIOUS ACTIVITIES SUGGESTED UNDER OPERATIVE PARA 4 ARE ONLY TENTATIVE PROPOSALS. WHILE SEVERAL OF THESE ACTIVITIES AS REFERRED TO ABOVE ARE BASED ON CONCEPTS ON POSITIONS UNACCEPTABLE TO THE U.S. THEY COULD HAVE BEEN MUCH MORE EXPLICITLY STATED. USDEL RECOMMENDATION: CONSISTENT WITH PAST U.S. PRACTICE IN VOTING ON RESOLUTIONS RELATING TO RACISM DECADE, INCLUDING THE PROPOSED WORLD CONFERENCE, WE RECOMMEND THAT WE NOT PARTICIPATE IN VOTING. WE WOULD ANNOUNCE OUR NON-PARTICIPATION FOR THE RECORD BEFORE OR AFTER THE VOTE.

7. CONCLUSION OF AGENDA ITEM 6 WILL ALSO ENTAIL VOTE ON DECISION 1373 WHICH IS A PROPOSAL BY M'BAYE IN HIS CAPACITY AS CHAIRMAN OF THE AD HOC WORKING GROUP ON SOUTHERN AFRICAN HUMAN RIGHTS VIOLATIONS, AS DISTINCT FROM HIS POSITION AS CHAIRMAN OF THIS HRC SESSION. DEPT WILL WANT TO LOOK AT U.S. POSITIONS TAKEN ON PAST HRC RESOLUTIONS CITED IN PREAMBULAR PARA. WE NOTE THAT THE U.S. WAS ALONE IN VOTING AGAINST RESOLUTION 6 (XXXIII) ADOPTED AT LAST YEAR'S SESSION. HRC SECRETARIAT TOLD US THAT PARTICIPANTS IN THIS PROPOSED SYMPOSIUM WOULD INCLUDE THE WESTERN CONTACT GROUP AS WELL AS LIBERATION MOVEMENT REPRESENTATIVES. USDEL RECOMMENDATION: USDEL SHOULD SUPPORT THIS DECISION WHICH MAY WELL BE ADOPTED BY CONSENSUS. IF EITHER A VOTE OR CONSENSUS PROCEDURE IS FOLLOWED, WE COULD MAKE BRIEF STATEMENT SUPPORTIVE OF THE CENTRAL CONCEPT OF FURTHER EXAMINATION OF THE SITUATION OF BLACKS IN SOUTH AFRICA AND NAMIBIA AND ON PRISON CONDITIONS, BUT NOTING THAT THIS IN NO WAY AFFECTS OUR
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POSITION ON ANY OF THE PAST HRC RESOLUTIONS CITED IN THIS TEXT.

8. COMMENT: OUR RECOMMENDATIONS ARE MADE WITH A VIEW TO ENHANCING OUR CREDIBILITY ON THE HUMAN RIGHTS ISSUES POSED BY THE SITUATIONS IN SOUTHERN AFRICA. IN PARTICULAR WE WISH TO BE AS FORTHCOMING AS POSSIBLE ON THE ISSUES WHICH HAVE THE GREATEST EMOTIONAL SIGNIFICANCE FOR THE BLACK AFRICAN DELEGATIONS. THEY ARE KEY TO THE PROSPECTS FOR SATISFACTORY ACTION, INTER ALIA, AGAINST UGANDA UNDER THE CONFIDENTIAL 1503 PROCEDURES (ITEM 12) COMING UP NEXT WEEK. VOTING ON ALL OF THE ABOVE IS SCHEDULED FOR THE AFTERNOON SESSION OF FEBRUARY 21. PLEASE ADVISE INSTRUCTIONS ASAP.

9. WEO'S: AS OF MID-DAY FEBRUARY 20 THERE WAS NO CLEAR INDICATION OF HOW THE FIVE OTHER WESTERN MEMBERS OF THE COMMISSION WOULD VOTE ON THE KEY SOUTHERN AFRICAN RESOLUTIONS UNDER AGENDA ITEMS 6 AND 7. FINAL TEXTS OF RESOLUTIONS L. 1380, L.1378, L.1375, L.1379 AND L.1376 (PARAS 1 THROUGH 7 ABOVE) HAD NOT YET BEEN CIRCULATED AS OF FEBRUARY 20 MORNING SESSION. (TEXTS WE PROVIDED IN REFTEL WERE FINAL DRAFTS GIVEN US BY SECRETARIAT THAT THEY TOLD US WOULD BE PUBLISHED FEBRUARY 20 IN OFFICIAL FORM.) AN EARLY MORNING FEBRUARY 20 MEETING OF WEO'S INDICATED ONLY THAT IN ADDITION TO PROBLEMS THEY SEE IN THE TEXTS, THEY WERE INCLINED TO SEEK PARA BY PARA VOTES IN ORDER TO HIGHLIGHT THOSE ELEMENTS OF RESOLUTIONS THEY COULD AGREE WITH AS WELL AS THOSE THAT ARE UNACCEPTABLE. POSITIONS ON VOTES ON RESOLUTIONS AS A WHOLE WERE STILL UNDECIDED AND NONE HAVE RECEIVED FINAL INSTRUCTIONS. IT IS ASSUMED THAT NO AMENDMENT OF RESOLUTIONS TO IMPROVE THEIR ACCEPTABILITY IS LIKELY. WE WILL KEEP DEPT INFORMED ON WEO'S VIEWS AND OF ANY

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CHANGES IN FINAL DRAFT RESOLUTION TEXTS WHICH SHOULD
BE ISSUED SOMETIME IN AFTERNOON OF FEBRUARY 20.
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Message Attributes

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